

**UNITED STATES DISTRICT COURT
IN THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Niki M. Ford,

Plaintiff,

-vs.

Asset Recovery Solutions, LLC,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff, Niki M. Ford, through counsel, Stephen A. Thomas, PLC, by
Stephen A. Thomas states the following claims for relief:

JURISDICTION

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims, which are predicated upon the same facts and circumstances that give rise to the federal causes of action.
2. This action arises out of Defendant's violations of the Fair Debt

Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

3. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendant transacts business here.

PARTIES

4. Plaintiff Niki M. Ford is a natural person who resides in the City of Sterling Heights, County of Macomb, State of Michigan, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
5. Defendant Asset Recovery Solutions, LLC. Asset Recovery regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and operating from an address at 2200 E. Devon Ave., Suite 200, Des Plaines, IL 60018.
6. Asset Recovery is a "debt collector" as the term is defined and used in the FDCPA. Asset Recovery is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. §339.901(b).

VENUE

7. The transactions and occurrences which give rise to this action

occurred in Macomb County.

8. Venue is proper in the Eastern District of Michigan.

GENERAL ALLEGATIONS

9. That Defendant Asset Recovery attempted to collect a debt in the amount of \$3,519.27, an amount which had already been discharged in bankruptcy, from a Helzberg/Mid America Bank & Trust Co. account.
10. That on December 21, 2013, Plaintiff Niki M. Ford filed his Chapter 7 Bankruptcy Case Number 13-62797.
11. That Plaintiff Niki M. Ford later received her Chapter 7 Bankruptcy discharge on March 25, 2014.
12. That Defendant Asset Recovery contacted Plaintiff Niki M. Ford through two (2) collection letters one dated March 11, 2015 and another dated May 27, 2015, which was over one year after Plaintiff Niki M. Ford received her bankruptcy discharge and she did not owe \$3,519.27 to Asset Recovery. Note, Plaintiff is only seeking recovery from the May 27, 2015 dunning letter.

COUNT I - FAIR DEBT COLLECTION PRACTICES ACT.

13. Plaintiff incorporates the preceding allegations by reference.

14. At all relevant times Defendant Asset Recovery, in the ordinary course of business, regularly engaged in the practice of collecting debts on behalf of other individuals or entities.
15. Plaintiff is a "consumer" for purposes of the FDCPA and the account at issue in this case is a consumer debt.
16. Defendant Asset Recovery is a "debt collector" under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §1692a(6).
17. Defendant Asset Recovery's foregoing acts in attempting to collect this debt violated 15 U.S.C. §1692 et seq.
18. The Plaintiff has suffered economic, emotional, general and statutory damages as a result of these violations of the FDCPA.

COUNT II - VIOLATION OF THE MICHIGAN OCCUPATIONAL CODE.

19. Plaintiff incorporates the preceding allegations by reference.
20. Defendant Asset Recovery is a "collection agency" as that term is defined in the Michigan Occupational Code ("MOC"), M.C.L. §339.901(b).
21. Plaintiff is a "debtor" as that term is defined in M.C.L. §339.901(f).
22. Defendant Asset Recovery's foregoing acts in attempting to collect this debt violated M.C.L. §339.915.

23. Plaintiff has suffered damages as a result of these violations of the Michigan Occupational Code.

24. These violations of the Michigan Occupational Code were willful.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury in this action.

DEMAND FOR JUDGMENT FOR RELIEF

Wherefore, Plaintiff requests that the Court grant her the following relief against the Defendant Asset Recovery:

- a. Actual damages.
- b. Statutory damages.
- c. Treble damages.
- d. Statutory costs and attorney fees.

Respectfully submitted,

Dated: May 24, 2016

/s/ Stephen A. Thomas
STEPHEN A. THOMAS P43260
Attorney for Plaintiff
645 Griswold St., Suite 1360
Detroit, Michigan 48226
313-965-2265
stthomas@313965bank.com